



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2301737

Applicant Name: Ted Mclean for Cingular Wireless

Address of Proposal: 3200 Northwest 65th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for installation of a minor communication utility (Cingular Wireless). Project includes the installation of three sector antenna array (one antenna per sector) on the roof of an existing apartment building and the installation of an equipment cabinet to be located in a basement maintenance room.

The following approval is required:

SEPA - Environmental Determination (Chapter 25.05, Seattle Municipal Code).

(Note: It was determined after further review of the proposal and after noticing the application that an administrative conditional use (ACU) permit approval is not required.)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The proposal site is situated on the northwest corner of the intersection of 32nd Avenue Northwest and Northwest 65th Street. The property contains a total area of approximately 6880 square feet. The parcel is zoned Neighborhood Commercial 1 with a thirty foot height limit

(NC1-30') and Single Family 5000 (SF-5000). This rectangular shaped lot contains one, three story apartment building with a daylight basement. The proposed antenna installation is contained in that portion of the lot zoned NC1-30'.

Adjacent zoning surrounding the site is as follows:

North	Single Family Residential (SF 5000)
East	Neighborhood Commercial 1 (NC1-30')
South	Neighborhood Commercial 1 (NC1-30')
West	Single Family Residential (SF 5000)

Adjacent uses are as follows:

North	Residential
East	Service Commercial (Business Support Service)
South	General Commercial (Restaurant/Retail/Apartments)
West	Residential

Proposal Description

Cingular Wireless proposes to install three approximately 13 feet tall antennas projecting eight feet above the roof parapet of the existing 10-unit apartment building. The associated equipment cabinets will be located in the basement level maintenance room. The applicant proposes to place fiberglass enclosures around the antennas which would be transparent to radio waves. These enclosures will be painted to match the building and resemble circular chimneys on the roof and will appear to have a likeness of structural elements to the building.

Public Comments

Public notice of the project application was published on April 24, 2003. The required public comment period ended on May 7, 2003. DCLU received one comment regarding this proposal. The neighbor expressed concerns over the visibility of the antennas from their property and the allowance of structures to be built over established height limits.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated March 20, 2003. The information in the checklist, applicant's statement of Federal Communication Commission Compliance, supplemental information and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Many environmental concerns have been addressed in the City's codes and regulations. The SEPA Overview Policy (SMC 25.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulation are adequate to achieve sufficient mitigation*" subject to some limitations. It may be appropriate to deny or mitigate a project based on adverse environmental impacts in

certain circumstances as discussed in SMC 25.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

Short - Term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; consumption of renewable and non-renewable resources. These impacts are expected to be very minor in scope and of very short duration considering the installation process. No conditioning pursuant to SEPA is warranted.

Long - Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely increases in demand for energy and increased generation of electromagnetic radiation emission. These long-term impacts are not considered significant or of sufficient adversity to warrant mitigation. However, due to the widespread public concerns expressed about electromagnetic radiation, this impact is further discussed below.

The Federal Communications Commission (FCC) has been given exclusive jurisdiction to regulate wireless facilities based on the effects of electromagnetic radiation emissions. The FCC, the City and County have adopted standards addressing maximum permissible exposure (MPE) limits for these facilities to ensure the health and safety of the general public. The Seattle-King County Department of Public Health has reviewed hundreds of these sites and found that the exposures fall well below all the maximum permissible exposure (MPE) limits. The Department of Public Health does not believe these utilities to be a threat to public health.

The City is not aware of interference complaints from the operation of other installations from persons operating electronic equipment, including sensitive medical devices (e.g. - pacemakers). The Land Use Code (SMC 23.57.012C2) requires that warning signs be posted at every point of access to the antennas noting the presence of electromagnetic radiation. In the event that any interference was to result from this proposal in nearby homes and businesses or in clinical medical applications, the FCC has authority to require the facility to cease operation until the issue is resolved.

The information discussed above, review of literature regarding these facilities, and the experience of the Departments' of Construction and Land Use and Public Health with the review of similar projects form the basis for this analysis and decision. The Department concludes that no mitigation for electromagnetic radiation emission impacts pursuant to SEPA policies is warranted.

Other long term impacts such as height, bulk and scale, traffic, and air quality are minor and adequately mitigated by the City's existing codes and ordinances. Provided that the proposal is constructed according to approved plans, no further mitigation pursuant to SEPA is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

None.

Signature: _____ (signature on file) Date: June 16, 2003
Tamara Garrett, Land Use Planner
Department of Design, Construction and Land Use

TG:bg

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